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6 DISTRICT COURT OF GUAM

7 TERRITORY OF GUAM

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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

13 JAIMEE LEE,

14 Defendant.

Criminal Case No. 04-00040-001

15
16 ORDER

17 The court is in receipt of an Ex Parte Petition for Modification of Supervised Release
18 (“the Petition”) from Defendant Jaimee Lee, proceeding *pro se* in this case. Defendant was
19 sentenced to 41 months of imprisonment, which she served. She began her term of supervised
20 release on April 3, 2007 in the District of Hawaii. *See* Docket No. 43. The Petition cites 18
21 U.S.C. § 3583(e)(1) and although not precisely articulated, it appears that Defendant requests
22 the termination of her supervised release.

23 Early termination is of supervised release is provided for by 18 U.S.C. § 3583(e)(1),
24 which states in relevant part:

25 The court may, after considering the factors set forth in section 3553(a)((1),
26 (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7) —

27 (1) terminate a term of supervised release and discharge the defendant
28 at any time after the expiration of one year of supervised release, pursuant to the
provisions of the Federal Rules of Criminal Procedure relating to the modification
of probation, if it is satisfied that the action is warranted by the conduct of the
defendant released and the interest of justice.

1 18 U.S.C. § 3583(e)(1). Rule 32.1 of the Federal Rules of Criminal Procedure, which governs
2 the modification of probation and supervised release, states in relevant part:

3 (1) In General. Before modifying the conditions of probation or
4 supervised release, the court must hold a hearing, at which the person has the
right to counsel and an opportunity to make a statement and present any
information in mitigation.

5 (2) Exceptions. A hearing is not required if:

- 6 (A) the person waives the hearing; or
7 (B) the relief sought is favorable to the person and does not extend
8 the term of probation or of supervised release; and
9 (C) an attorney for the government has received notice of the relief
sought, has had a reasonable opportunity to object, and has not
done so.

10 Fed. R. Crim. P. 32.1(c).

11 Modification of supervised release is typically initiated by the Probation Office
12 responsible for supervising the defendant. Ordinarily, the Probation Officer files a Report for
13 Modifying the Conditions or Term of Supervision with Consent of Offender, together with a
14 Waiver of Hearing executed by the defendant. Indeed, in June 2008, U.S. Probation Officer Lisa
15 K.T. Jicha of the District of Hawaii sent a formal request to the District of Guam U.S. Probation
16 Office, requesting modification of the Defendant's supervised release conditions, which resulted
17 in the District of Guam Probation Office filing a Report for Modifying the Conditions or Term of
18 Supervision with Consent of Offender. *See* Docket No. 43. This court subsequently modified
19 the terms of the Defendant's supervision. *See* Docket No. 44.

20 The Defendant currently resides in Honolulu, Hawaii, and the District of Hawaii
21 Probation Office is in the better position to determine the Defendant's compliance with
22 supervised release conditions.¹ However, nothing in the record indicates that the District of
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24 _____
25 ¹ It should be recognized that according to the District of Hawaii Probation Officer Lisa K.T.
Jicha, the Defendant has generally complied with her supervised conditions as of June 2008. *See*
26 Docket No. 43. The Defendant had consistently tested negative drug tests, completed her drug
aftercare program without incident, paid her \$200 special assessment fee, and has maintained full-
27 time employment. *Id.* Furthermore, the Defendant states that she is a full-time employee of
American Window Cleaning, and a part-time student at Leeward Community College. She also
28 states that she has completed 250 community service hours in her first year of release.

1 Hawaii Probation Office made a formal request that the District of Guam Probation Office seek
2 early termination of the Defendant's supervised release.

3 Accordingly, the District of Guam Probation Office **SHALL HEREBY** consult with the
4 District of Hawaii Probation Office to determine whether this court should consider the early
5 termination of the Defendant's supervised release as provided by 18 U.S.C. § 3583(e)(1). The
6 Probation Officer for the District of Guam shall then file a status report, which states the position
7 of the District of Hawaii as to early termination of the Defendant's case. If the District of
8 Hawaii Probation Office agrees to an early termination, this Court shall so enter an order
9 granting the request.

10 **So ORDERED.**



11 /s/ **Frances M. Tydingco-Gatewood**
12 **Chief Judge**
13 **Dated: Mar 16, 2009**

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